THE COURTS.

TWELFTH DAY OF THE TWEED TRIAL.

Andrew Garvey Further Riddled by Counsel ---He Swears to Have Fled the City Through Fear of Assassination --- That Check for \$60,000 --- His Brother John on the Stand--- A Fearful Memory---· How He Made Ten Dollars and Spent One.

INTEREST ON CITY DEPOSITS.

The Foley-Palmer Injunction Modified-Salaries of the Chamberlain's Employes To Be Paid Out of the Interest on City Deposits as Heretofore-A Demurrer To Be Interposed to the Injunction.

The Constitutionality of the New Jury Law.

The Case of Barclay, the Burglar, on Appeal at General Term-Points in Error Raised by Counsel-Argument by the District Attorney in Opposition-Decision Reserved.

THE OLD OCEAN BANK ROBBERY.

A Suit to Recover \$50,000 from the Ocean Bank, Part Proceeds of the Plunder-The Bank of Lyons, Iowa, the Plaintiff-The Case Still On.

THE JUMEL ESTATE CASE.

The Relationship of Bowen to Madame Jumel Denied by Witnesses-The Plaintiff in Saratoga-He Sees Madame Jumel There, but Claims No Relationship-How Lawyers Were to Pay the Cost of Plaintiff's Suit-Another Tilt Between Counsel.

BUSINESS IN THE OTHER COURTS.

Summaries-Suit Against the Second Avenue Railroad Company to Recover \$20,000 and Sudden Collapse-Important Cases Before the General Term-Failure to Deliver Goods According to Sample-Convictions and Sentences.

The temporary injunction granted several days since by Judge Barrett, of the Supreme Court, on application of Mr. John Foley, against the City Chamcame up for argument before the same Judge on an order to show cause why the same should not be ade permanent. After a lively argument it was finally agreed to modify the injunction so as to allow the clerks and employes in the Chamberlain's ffice to be paid their salaries as heretofore by the banks used as city depositories, from the interest on city deposits. Otherwise the injunction continues in force until the final hearing of the argument on the merits.

Court, General Term, involving the point as to the constitutionality of the new Jury law. The case argued was upon a writ of error, through which it is sought to get a new trial for William J. Barclay, who is serving a term in State Prison upon conviction of robbery, but the point in question deeply concerns many other offenders against our criminal laws, including Edward S. Stokes among the number. A report of the arguments pro and con will be found elsewhere.

A trial was commenced yesterdar in the Court of

Common Pleas, before Judge J. F. Daly, growing out of the old Ocean Bank robbery. Among the proceeds of the robbery were \$50,000 in United States five-twenties belonging to a bank in Iowa. The suit is to compel the Ocean Bank to make good the loss. It is not yet concluded.

For three days a suit has been progressing in the

Court of Common Pleas, in which a father sought to recover \$10,000 on account of injuries sustained by his child through being run over by a Second Av enue Railroad car. The prosecution yesterday sud. denly collapsed and withdrew a juror, thus aban. doning the suit.

Five cases were argued vesterday before the Supreme Court, General Term, upon appeals from convictions, in the Court of General Sessions, and new trials asked in each case. One application was granted and in the others the decisions were re-

The twelfth day of the Tweed trial (yesterday) was replete with sensation matter from the Garvey brothers, Andrew and John; the former being in-"on the contrary, quite the reverse," having great difficulty in rousing up facts from his memory. These were the only witnesses examined, and their testimony was chiefly in elaboration of points already brought out. John H. Keyser will be called

to the stand this morning.

The hearing of the case of George W. Bowen vs. Nelson Chase was resumed yesterday in the United States Circuit Court before Judge Shipman and the special jury. A considerable amount of evidence was given by witnesses called on the part of the defendant to show that on several occasions at Providence the plaintiff, Bowen, declared that Madame Jumel was in no way related to him. The trial will be resumed to-day.

THE TWEED TRIAL

The Two Garveys Keeping a Witness Stand All to Themselves-Roche Hinted At-John Garvey's Quiet Talks and Unreliable Memory.
The proceedings in the Tweed trial-adjourned

on Tuesday afternoon until yesterday in consequence of the indisposition of Mr. Tremain-were duly resumed in the Court of Oyer and Terminer, before Judge Noah Davis, yesterday morning. The crowd in attendance was quite large, and a num-ber of police were detailed and posted to preserve order at the entrance to the court room. Mr. Tremain and Mr. Peckham, for the prosecution, were in their place, prompt on time, as were also Messrs, Field, Fullerton, Burrill and other gentlemen engaged in the defence. Judge Davis was smiling, and everybody seemed better for the day of re-taxation that had intervened since the Court had last assembled.

and the proceedings were resumed by

The defendant, Mr. William M. Tweed, looked
about as easy as he once did when the reporter saw
him sticking a a large spoon into a plum pudding
at the club house at Indian Harbor. He came into
Court accompanied by his sons, William M. Tweed,

The Direct Examination

The Direct Exa

Jr., and Richard M., familiarly known as "young coat—it must be immense if he couldn't wear it at all—of blue cloth, reaching almost to his heels, and it is very interesting to note how the crowd in the vestibules of the Court make way for him as he passes in or out. A large proportion of the audience are evidently men who have, at times not long gone, been in the public service under the Tammany rigime, and a still larger proportion were voters and workers for that organization in its paimy days. They have evidently not lost all hope of the "Boss" yet; for, though as a rule, they belong to the of polloi of politics, they deferentially "make room" for their ideal Cæsar in a manner that is a proof of their sympathy with him. And they look at him, too, very sadly as he passes out through the lane they open for him in their ranks; but it is not the open for him in their rains, but it is not vulgar stare of curiosity that they would hustic into the face of a murderer or other ordinary criminal. It is a quiet, sincere look, that tells that they feel sorry for the chief, now that he is in the hands of the enemy, and that some of those whom he trusted have "gone back on him," And then there is another expression just behind their sympathy, which shows that he is still, though fallen, the idol of the boys who once rallied to his standard, and who would not only rally to it again, but would help once more to raise and unfurl it. Every day the same deference is shown him by this crowd as he passes among them, and as he leaves the crowd at the close of each afternoon's proceedings they follow to the doors and look wistfully up the street after him, and turn back with rough but earnest eulogiums of the man whose domination they felt and sigh to

THE PROCEEDINGS YESTERDAY—GARVEY AGAIN ON THE STAND.

As soon as the Court was opened Andrew J. Garvey was placed on the stand. The cross-examination of this witness having been cross-examination of this witness having been concluded, the prosecution again took him in hand, and Mr. Peckham proceeded to prove by him that all the warrants produced on the trial bearing the signature of the defendant, and which the witness pronounced as drawn for fraudulent amounts, were deposited in the Broadway Bank. After having done that, Mr. Peckham asked the witness to detail

THE REASONS FOR HIS LEAVING THE CITY, whether of his own volution or otherwise. Mr. Fullerton objected.

THE REASONS FOR HIS LEAVING THE CITY, whether of his own volition or otherwise. Mr. Fullerton objected.

Mr. Peckham said that they proposed to show that Garvey's departure from the city was at the instance of Tweed, and they were going to connect the defendant with it in due time. He said that defence proposed to show that Garvey fied the city on his own account and from his own conscience. The prosecution, on the contrary, could plainly demonstrate that Garvey was driven from the city, advised to do so and compelled to do so.

The question of the regularity of asking the question put to the witness was discussed by Messrs. Tremain and Peckham, for the prosecution, and Burrill and Fullerton, respectively, for the defence.

The question was allowed by the Court.

Witness—On Friday, or Saturday the 16th, I went to the office of Mr. Tweed and tried to see him; King came out and he said to me—

Mr. Fullerton—Are you going to allow that conversation, your Honor?

Witness—Well, I saw Roche on the Monday evening following, at his own house; his wife opened the door and showed me into the back parlor; Roche came and closed the door very mysteriously, and said—

Mr. Peckham said that it was by this means that he hoped to prove that the witness went away at the urging of Tweed, through his friends.

The Court said that the prosecution would be allowed to prove that the witness left by "advice," but any statement made by Roche was indeminsible.

Garvey—I was told by Roche that I would come or the tit didn't to a way and I understood that

vice," but any statement made by Roche was anadmissible.
Garvey—I was told by Roche that I would come
to grief if I didn't go away, and I understood that
threat was intended as
Q. Mr. Garvey, do you know anything about the
relations between Mr. Tweed and Roche—whether
they had any relations together in the Broadway
Bank! A. I believe they had, sir.
Mr. Fullerton—I object to that, sin, as altogether
too remote. Mr. Fullerton—I object to that, say as altogether too remote.
Q. Do you remember whether there were two different sizes of blank bills in the Comptroller's office? A. Yes, sir; there were.
Q. Half sheet and full sheet, I believe? A. Yes,

Q. You did not generally compare the amount of the warrant with the amount of the bill rendered? A. No. sir.

the warrant with the amount of the bill rendered?

A. No, sir.

Q. You were speaking of a conversation you had with Mayor Hall. State what that conversation was. A. I cannot recollect now, sir; some of it related to my claims, which I said were just; I don't think anybody asked me about them.

Q. You were examined as to a suit you had against the county. Was that suit brought by you voluntarily? A. No, sir.

Q. At whose request and instance was that suit brought? A. At the request of Mayor Hall; he was served at his own request; the suit was not bonn fide; the suit was dropped; there was no answer filed.

swer filed.

Q. You said, Mr. Garvey, that the first bill for the Court House was sworn to by you. Was that bill a just and true one? A. It was an honest bill.

Q. I'll show you this bill, marked "Exhibit N." I'll ask you whether that bill was made out by you? Mr. Fullerton—That was all gone over on the cross-examination.

The Court allowed the question.

Witness—I made out that bill at my own house on Forty-seventh street.

on Forty-seventh street.
Q. At that time did you make out any other paper corresponding to that? A. Yes, sir.
Mr. Peckham showed the witness a similar paper to Exhibit N, and asked if that was the document alluded to as being made out at the same time? A.

"Through, Mr. Peckham?" inquired the witness.

Yes, sir.

"Through, Mr. Peckham?" inquired the witness.
Mr. Peckham—Yes.
Witness—I want to make a slight correction.
Mr. Fullerton—Wait a moment; hold on.

A LITTLE WRANGLING.

A little wrangling here was indulged in between counsel as to the production of a check for \$60,000.

A transcript of the ledger of the East River Bank was produced and carefully examined by counsel, showing the date of the last check for \$60,000.

Witness—I wish to make that slight correction now; on reflection I think my brother did engage a room for me at Hobokea before the steamer sailed; I said before that I did not think he did, but I am under a contrary impression now.

To Mr. Fullerton—I made out that rough bill there to approximate what I thought the work to be performed would be; I made out the similar one alterwards, but at the same sitting; the bills might have been made off the same sheet; I put the smaller bill away in a drawer after it was made out;

WHEN I WENT TO EUROPE

WHEN I WENT TO EUROPE

1 gave it to my brother.

Q. How did you reduce the amount of the bill from \$59,000 to \$60,000 ? A. By some principle of calculation; by altering the charges from a memorandum; some of the items I reduced and some I increased to make the bill the desired amount,

increased to make the bill \$60,000 even— \$60,484. Q. Why didn't you make the bill \$60,000 even— an you tell us ? A. Well, I thought it didn't look Q. Why didn't you make the bill \$60,000 even— can you tell us? A. Weil, I thought it didn't look business like. (Laughter.) Q. When you but on the original endorsement had the bill been rendered?

Witness-I was about— Counsel-One moment; had the bill been ren-dered?

dered?
Witness—I tell you I was—
Counsel—One moment more, sir; had the bill
been rendered then?
Witness—Well, I was about to say—. (Laughter.) Counsel (in stentorian tones)—Had the bill been

Counsel (in stentorian tones)—Had the bill been rendered then, sir? Answer.

Witness—Well, I don't think it had; no, sir.

Counsel—Well! (Increased laughter.)

Q. Did you not make out that bill from recollection? A. No, sir.

Q. Did you not make the amount come up to \$60,484 from recollection?

Witness—Do you mean the items?

Counsel—Yes.

Witness (laughing)—No, I'll swear I didn't.
(Laughter.)

(Laughter.)
Q. Now, Mr. Garvey, at the time you rendered that bill did I understand you to say that Mr. Tweed took something out of his desk and handed it to you? A. (Indignantly)—No sir, no! (Great laughter.) Q. Did you say that he did not put it in your hands? A. No, sir; he laid to a the laid to a laid

Q. Did you say that he did not put it in your hands? A. No, sir; he laid it on the table.
Q. Face up or down? A. Face down.
Q. Do I understand you to say that you did not get the money on that check; that you left it with Mr. Tweed and that your endorsement was upon it in your ordinary handwriting? A. Yes, sir.
Some unimportant questions were put to the witness further on account of the check, after which the Court took the usual recess for half an hour. After Recess.

The afternoon session, beside being brief, was very quiet and decorous; in fact there was a good deal of the "happy family" feeling. Mr. Tweed looked cheery and found frequent opportunities for smiles, which seemed to indicate an easy conscience as to the developments already made, and the ammunition which the defence has to use as soon as they open their magazine. Andrew J. Garvey was in and out of the court room haif a dozen times during the afternoon, and was called to the witness stand once to answer a question. Again, a short time afterward, his name was called by Mr. Peckham, but he was not to be found. As he passed in and out of the court room he was watched continually by the audience, and it is not necessary to remain more than five minutes in any part of the auditorium of the Court to learn that he is not the most popular man in the foom.

Court and counsel were prompt in assembling, and the proceedings were resumed by

Pitth avenue house? A. Yes, sir; I went there to collect the bill for the work, and there was an item for work done at Grecawich; Mr. Tweed said he had paid on all the work done at Greenwich and objected to this item in the bill, and I said it should be stricken out; he said he paid for everything done at Greenwich, and produced a check and said, "there's a check I paid your brother for \$10,000." He held the check in his hand.

Q. Did you ask to see the check or take it? A. I think I reached my hand to get it, but ne put it back in his wallet.

Q. Are you the person who transacted the set'lement with regard to the bill against Compiroller Connodly? A. I am; I made the final sottlement with his son-in-law, Joel Fithian; I received in casa and received bills, receipted by ars. Connolly, between filteen and sixte n thousand dollars, and return checks of my brother for \$37,000; these checks (produced) are the four I received in return; a \$2,000 check said by them to be destroyed was allowed also, making the return checks amount to \$39,000, instead of \$37,000, and ten per cent was stricken oil the whole amount; the balance was an understanding with Comptroller Connolly of some \$70,000, paid to my brother through Mr. Watson.

Q. You remember the time of Mayor Hall's first trial? A. I do.

COUNSEL PRODUCED FOUR LETTERS, wr tten on small note paper, which witness identified as being in the handwriting of William M. Tweed, addressed to witness and received by him. The envelopes were also identified.

Mr. Peckham then read the letters, the first one being as follows:—

New York, Jan, 10, 1872.

John Garrer, Esq. —

New York, Jan, 10, 1872.

John Garvey, Esq. :
DEAR Sin-When down fown please drop in and see
me at 85 Duane street Yours, Ac., WILLIAM M. TWEED.

The next letter was dated "Sunday," and was written in pencil. The mark on the envelope showed it to have been received February 20. It was as follows:—

Was as ionows:—
Joun Garrer, Esq.:—
Dear Sin—I waited for you last night, but you did not come. Come and see me at 511 Fifth avenue to-morrow morning. I will detain you lut a moment, and have nothing unpleasant to say. Yours, &c.,
WILLIAM M. TWEED. The third was almost similar in terms and brevity, and the last was as follows:—

John Garvey:

Dean Sire-I don't know why you do not keep your engagements to call on me I am sure there will be nothing impleasant done to you. If you can come to my house before two to-day please do so. Yours, w. M. TWEED.

before two to-day please do so. Yours, W. M. TWEED.

Q. Did you see Mr. Tweed in reply to these notes?

A. I think I did as to the one disected to Duane street; I had one interview with him there; I don't think I answered any of the other notes.

Q. Do you remember the interview in Duane street? A. I remember it, but there was only one little part of it that had any relation to this case; he asked me when I heard from Andrew; I told him I was in constant communication with him; that was all that related to this matter.

Q. Why didn't you go to see him when the other notes were sent to you? Objected to by defence as immaterial and objection sustained by the Court.

THE CROSS-EXAMINATION was then opened by Mr. D. D. Field as follows:—
When my brother went away he conveyed his
property to his wire.
Q. For the purpose of defrauding the city and
county, was it not? (Objected to by the prosecution.) A. No, sir; it was that I might reconvey it
to his wife.
Q. Did he owe it to his wife? A. I can't answer
that question.
Q. Did it belong to her? A. It belonged to her as
his wife.

his wife.

TEN DOLLARS MADE.

Q. Now tell the jury for what purpose that conveyance was made to you? A. (After a pause.) I got \$10 for it. (Laughter.)

Q. And you are not able to tell the jury that there was any other purpose in it but that you would get \$10 for it? A. That is all, sir.

Q. Did you know that your mother owed the city and county of New York hundreds of thousands of dollars? A. I had only the newspaper reports for it.

or it.

Q. Did you believe them? A. I don't believe all I read in newspapers; I believe nothing only what I know to be a fact.

Q. When your brother was away did you enter into negotiations with anybody in behalf of your brother to get him back on any condition whatever? A. I had an interview with Mr. O'Conor only, and but one with him; I am not positive, but I think I indicated the result of that to my brother by letter.

Dy letter.
Q. Was it in consequence of that that he returned? A. No, sir, it was not.
A. SHOCKING MEMORY.
Q. How many letters did you write to your brother? A. I can't tell; sometimes I wrote four a week.
Q. Did you write fifty letters to him in all? A. I can't tell.

can't teil.

Q. Did you write on an average four a week? A.
I can't teil.

Q. About how many letters? A. I.can't teil.
Q. Weil, was it ten or flity. You can tell that, surely? A. I can't teil.
Q. Where are the letters? A. I don't know. I kent no conies.

Q. Where are the leaves.
kept no copies,
Q. Do you mean to tell the jury that you never
Q. Do you mean to tell the jury that you never

kept no copies.

Q. Do you mean to tell the jury that you never had a conversation respecting your brother with anybody except Mr. O'Conor? A. I do.

Q. Didn't you have interviews with Mr. Peckham in reference to this suit? A. Not before my brother's return. I have had frequent communications with officers for the State since.

Q. When did you last see them? A. I walked up Sixth avenue with Mr. Peckham last night; I don't remember our talking about anything in connection with this suit except that I asked him if he had those letters of Mr. Tweed to me.

Q. Do you remember a suit for specific performance of a contract in which one Myers was a party? A. (after a pause) A suit for land; I do.

A GREAT LAWYER'S MIND.

Q. Do you remember a Mr. Harnett, who was a witness? (Objected to by prosecution.)

In the course of a brief discussion as to the relevancy of these questions,

The Court said—Well, they may lead to something. I suppose the counsel has something in his month.

thing. I suppose the counsel has something in ms mind. (Laughter.)
Mr. Field (laughing)—Well, I was thinking I had. I am glad to think my mind is not exactly a vacuum. (Laughter.)
Mr. Tremain—Oh, well, as that Is the case, you can go on. (Laughter again, and more of it.)
Some further questiops were put in reference to the suit alluded to, but nothing apparently important was clicited.

"JOHN AT SARATOGA." "JOHN AT SARATOGA."

"JOHN AT SARATOGA."
Witness—I was a witness at Saratega on the impeachment trial of Judge Barnard.
Q. Did you testily on that occasion that you never wrote to your brother while h: was abroad in regard to a negotiation with the cty authorities about the claims against him? A. (hesitating) I tiffuk I did.

Q. Did you when naked that question make a

think I did.

Q. Did you when asked that question make a distinction between the city and the State authorities? A. I never considered Charles O'Conor as a

city authority.

Q. Let us come to the transaction of faking a package from this building to Mr.Tweed at Albany. Did you take such a package: A. I did. Q. Did you see the contents of that package. A. I think—to the best of my knowledge I saw the contents; the package was not sealed; I think it was onen.

was open.
Q. What did you see? A. (after a rause) To the best of my knowlege 1 saw a parkage of bank

Q. What did you see? A. (after a nause) To the best of my knowlege I saw a package of bank notes.

Q. When you reached Albany dit Mr. Beardley ride down in the same carriage with you from the depot to the Delavan House? A. Hi did.

Q. Where was your interview with Mr. Tweed, in the Fall of 1871, neld? A. In the office of the Department of Public Works; only Mr. Tweed and myself were present; I think it was in Nowmber; It was previous to the election.

That silocking MEMORY MAIN.

Q. Who began the conversation A. I think it was Mr. Tweed.

Q. What did he say? A. I can't til you that.

Q. Can you give a single word that be said? A. I have given that conversation as acer as I could recollect its substance.

Q. We don't want the substance—an you remember one word? A. Oh, yes.

Q. Give it? A. (after a pause) know he mentioned the name "Woodward."

Q. Any other word? A. I remember distinctly him saying it was better for Andrw to be away. (Laughter.)

Q. Did he use the word "better? A. That was the substance.

Q. I don't ask for the substance & what he said. Do you remember any other word?

Q. Did he use the word "better?" A. That was the substance.
Q. I don't ask for the substance \(\epsilon \) what he said. Do you remember any other word? A. I remember him saying "Abdrew" and "Jimmy!—(impatiently) I can't swear point blank to any mn's phrases.
Q. Do you remember any word tht you used? A. I do. I asked him if he feared Woo ward.
Q. Did you used the word "feare?" A. Well—either feared or "are you afraid of Voodward?"
Q. Will you sweat to any other word?
BRINGING THE MEMORY TCTIME.
A long pause ensued, during which the witness appeared to be beating the "ing roll" on his forehead with his fingers to assemie his recollections. Mr. Tweed appeared to be thoroughly interested in the evidence of the winess or at once more hearing what he had said himself, and leaned forward on the table, with a most mused smile on his face and a sparkle in his eye.

Mr. Field to witness—Will you aswer my question? A. Yes, sir, I am trying to think (after a briefer pause) | I think I said I wheel it was all settled and Andrew was back; I think I said that; I could not give the exact words of nything else.
Q. Did you bring a suit against hr. Tweed while your brother was away? A. No sir; there was no suit brought; Gibert & Smetcy made a demand, but I was not aware the any suit was brought; they were my brother lawyers, and I merely instructed them to collect that claim (suit was commenced against Mr. Twee, as it appeared from remarks among counsel, on arch 20, 1872); I have not had any conversation with Mr. Tweed

was commenced against Mr. Twee, as it appeared from remarks among counsel, on larch 20, 1872; I have not had any conversation with Mr. Tweed since that time.

Q. Was this question put to yoion the trial at Saratoga, referring to your broth. "Did he make any conveyance of property abouthat time to his wife, to your knowledge?" A. I tink it was.

Q. And did you answer. "Not tory knowledge?" A. I don't recollect making such 2 answer as that.

Q. Was this question put, "Nothat you heard of?" and did you answer. "Not lat I heard o??" A. I think they were put, and, is I understood them at that time, the question ws whether I then and there knew.

CHEAP AT THE PRICE.

Q. At the time of the conveyance to his wife did you receive a conveyance of \$1:0,000 in mortgages from him 7 A. I did, a day or two atterwards.

Q. Did you give any consideration for that? A. I forget whether it was a dollar a piece I gave him or a dollar for the whole of them.

Q. Did you alterwards make oath that you paid full value for those mortgages? A. Well, he considered that was full value for them. (Laughter.)

Q. Did you alterwards make oath that you paid full value for those mortgages? A. Well, he considered that was full value for them. (Laughter.)

Q. I am asking you what you swore to. Did you make such a decharation? A. (hesitating) Well, I sold them to pay his debts.

Redirect by Mr. Tremain—Mr. Garvey, on the trial at Saratoga you were asked this question, "Did he (your brother) make any conveyance of property to his wife about that time?" Did you answer, "No, sir?" A. I did answer like that.

Q. Mr. Tremain (reading from the report of the Barnard trial)—You say your brother conveyed property to you, and that you immediately afterwards conveyed it to his wife; is that so? That question was put to you. A. Yes.

Q. And you answered that you had so conveyed it? A. I did, sir.

A number of other questions and answers from the report of the Barnard trial were read by Mr. Tremain, showing that the witness had told the whole story of the conveyances on that occasion substantially as he told it on this trial.

My Mr. Peckham—Q. You were questioned in reference to a conversation with Mr. Tweed, in which you say you asked him, "If he was afraid of Woodward?" What did Mr. Tweed answer to that question? (Objected to.) A. To the best of my belief Mr. Tweed said, "Yes; I wish he was dead," (Laughter, in which the "Boss" himself took a hand.)

By Mr. Field—Q. You say you went to Mr. O'Conor as a private citizen? A. I didn't go to him in any other way; I was not his client.

Q. State what conversation you lead with him. Objected to. Objection sustained, and the defence excepted to the ruiling.

JOHN H. KEYSER

was then called as a witness, but failed to make his appearance. He was in the court room a lew minutes before, and messengers were despatched in quest of him.

Andrew J. Garvey was recalled by the prosecution to fill up time.

Q. By Mr. Peckham—Mr. Garvey, in your Broadway bank book, under date of December 30, 1870, there is an entry recording a deposit of \$119,464 50. Can you state of what items that sum was composed.

amounts.
It was now five minutes of three o'clock and the Court waited for Mr. Keyser until nearly twenty minutes past three. As he had not up to that time been brought into Court, an adjournment was ordered until this morning

Mr. Keyser is the last remaining prominent witness to be examined for the prosecution. Some cierks of banks will succeed him to identify and verify certain papers, and the prosecution will, it is understood, rest upon the evidence then in.

THE JUMEL ESTATE CASE.

The Suit of George W. Bowen vs. Nelson Chase-Further Evidence for the Detendant-Testimony that Bowen is in No Way Related to Madame Jumel-How Lawyers Were to Pay the Costs of the Suit for the Plaintiff.

The hearing of the case of George W. Bowen vs. Nelson Chase was resumed yesterday in the United States Circuit Court, before Judge Shipman and the special jury.
Mr. Hoar, Mr. Chatfield, Mr. Shaffer and Mr.

Sawyer appeared as counsel for the plaintiff, and Mr. Charles O'Conor and Mr. J. C. Carter for the defendant.

defendant as to there having been other Betsy Rowens in Providence was a novelty to the subject of some witnesses in Providence as soon as possible. That, he said, was a matter of complete and entire explanation, and he supposed the

Mr. O'Conor said that if written notice were given of the intended examination it would enable him to state what he felt on that matter.

Mr. Hoar stated that they would prefer fixing a day for the examination when it would not interfere with the arrangements of counsel on either

Mr. O'Conor-Unless required, we do not think it discreet to say anything on this subject at this mo-OLD RECORDS FROM PROVIDENCE.

Mr. Brown, Clerk of the Town Council of Provi-dence, produced some of the books containing records of the public affairs of that town from 1794 to 1800.

Mr. Carter offered in evidence an entry from book six, page 334, of these records. It was the examination of Reuben Ballou before the Town Council of Providence on the 6th of April, 1794, in which Ballou stated that he had a wife and two children-William, aged eight years, and a girl named Dinah. estate but in the town of Cumberland. The Town Council ordered that said Ballou should be following, and they made a further order that his removal should be delayed till the 9th of May, because he was ill and not a fit subject for removal. Cause he was in and not a fit subject for removal. Counsel also gave in evidence an entry from book 7, page 520, under date of 14th of September, 1800, recording the death of Mrs. Hull, mother of Daniel Hull. In the same book there is an entry at page 207, under date of November 6, 1797, ordering that letters of administration be granted to Phœbe Hull, widow of Gideon Hull, she being bound under bond of £2,000 to exhibit an inventory according to law. Other entries from the same books were given in evidence.

law. Other entries from the same books were given in evidence.

Mr. Brown stated, in reply to counset, that in the Champlain Bowen case he had brought all these books into Court, except one; he had also brought them here on the previous trial of this suit, and also on the present occasion.

Mr. Carter read from the records of the town of Camberland, under date of May 30, 1704, an entry to the effect that Reuben, Ballou was likely to become chargeable to the town; it was ordered by the Town Council that Ballou, with his wife, Freelove, and his two children. William and Lavina, be sent back to Providence as their proper and legal place of settlement.

the Town Council that Bailou, with his whe, Freelove, and his two children, William and Lavina, be
sent back to Providence as their proper and legal
place of settlement.

All this evidence was offered for the purpose of
contradicting the statement of the piaintiff that he
is the son of Major Reuben Bailou by Betsy Bowen,
and also the evidence of Daniel Hull, one of the
witnesses for the plaintiff.

TESTIMONY OF MR. MICHAELEW. DEVINE.

Mr. Michael W. Devine sworn—I res'de in New
Jersey; I am a lawyer; I am one of the firm of
Martin & Smith, of this city; in the course of my
business I had occasion to make inquiries in Providence about the affairs of Madame Jumel; these
inquiries commenced in February, 1866; my first
visit to Providence was on the 21st of Pebruary,
1866; I remained there until about the 4th of
March; I went down there to ascertain if I could
discover any nearer relatives by blood to Madame
Jumel than those who were contesting her will; I
made a search in the office of the Town Council of
Providence; I found records in the Town Council of
Providence; I found records in the Town Council
books in reference to more than one Betsy Bowen;
in searching those records I found an examination
of Phuche Bowen about her children, Polly and
Betsy Bowen; laiso icund an examination of Pheche
Bowen under the name of Pheche Celly; I believe
I am the first person who discovered the records; I
had an interview with G. W. Bowen on my first
visit to Providence; a saked him if he would tell me
the names of his father and mother; he hesitated;
I told him, in substance, a lady in New York, Madame Jumel, had died, leaving a large amount of
property to charitable purposes and to the Church,
and that ladies in New York, claiming to be her
nieces, were, with a lawyer, contesting the will on
the ground that Madame Jumel was not competent
at the time to make a wilk; I told him that
we had information that the true heirs lived in
Providence; I asked him if he was in any way related, directly or indirectly, to Madame Jum lated, directly or indirectly, to Madame Jume!; he said he was not; he said he did not know her, but had heard of her name through the papers; he said that he had seen her a few times at Saratoga, but that there was no relationship between them that he had any idea of; he went on to say that his mother died when he was an infant; he said that the people who sent me to him were mistaken, that he was in no way related to Mme. Jume!; then I asked him if he would have any objection to tell me the name of his mother; he was, he said, too young to have may recollection of her and he would prefer not to tell her name; I then asked him if he knew one Betsy Bowen; he said, 'No.'' I then asked him if he had ever heard of any Betsy Bowen, or of any Betsy Bowen in connection with himself; he said he might have recollected a woman of that name when he was a child who was living with a Miss Bates, but he had a very indistinct recollection of her, and said he was not in any way related to her.

The witness was cross-examined by Mr. Chatfield, and said that while he was in Providence he had been speaking to two persons about the heirs of Madame Jume!, and got from them the idea that G. W. Bowen might possibly know something about those heirs, as they believed that Bowen's father was one Uriah Bowen. A considerable portion of the cross-examination was taken up with questions as to how many witnesses the witness had examined on deposition in the progress of the will suit, the said he did not recollect Mr. Chase saying in his deposition that Madame Jume! had an illegitimate

Challe for more received than Mr. Chase goald the spirits was the information chief of Manager at 1 was a Ding story.

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street, and asked him what he was doing there, he said he was there upon an entirely different business. He did not think that the act of Congress would allow the chief manager and confunctor of this case to do a thing like that—to repel his adversary from attending to the cross-examination of the witness. Mr. Gladoon J. Tucker was then managing this case for his brother, Dr. Joseph C. Tucker, the only representative of the plaintid's interest, and he lived in Cahlornia. He (Mr. O'Conor) offered the evidence of Mr. Hart to prove the nefarious course of proceeding that had been pursued for the purpose of carrying this great case by fraud, by perjury, by gross and abominable assertion, by vitneration of the living and the dead. Mr. O'Coner, in the course of his remarks, alivided to the arrangement that the plaintid had made with other parties to pay the expenses of conducting this suit.

the course of his remarks, altivited to the arrangement that the plaintiff had made with other parties to pay the expenses of conducting this suit.

Mr. Channeey Shaffer said he repudiated the assault that was made on Mr. Gldeon T. Tucker, one of their best citizens, who was acting within the law of the State. They were treated as if they were criminals. Here was an old man, nearly eighty years of age, seeking to gain his right in a suit involving millions of dellars, and, not being able to do all the work himself, goes into the market to obtain the means of getting back his property from the ruthless grasp of unprincipled men. The question here was simply this, Should not any man in the pursuit of a lawful vocation be permitted to go about his business according to law without having words and motives imputed to him as they had been? The plaintiff ciaimed that he was kept out of his inheritance by robbery, and he (counsel) maintained that it was improper to charge any man with crime for any act that he might do in pursuit of a lawful business. If it was lawful to raise money to build a railroad it was lawful to raise money to conduct a suit at law. He defied any one to say that the conduct of Gideon J. Tucker was not clean. Mr. Tucker had sworn that the witness Perry was paimed off on him, and he had made efforts to have Perry punisned for his false testimony. That man Perry was put upon the plaintiff. Mr. Shaffer, in conclusion, made remarks strongly censuring paid lawyers coming forward as witnesses, and said the Court would spit upon their evidence.

After some further discussion the Court ruled out the offer of Mr. O'Conor to prove the declarations of Gideon J. Tucker to the witness, Hart, in Providence.

Counsel for plaintiff entered a consent that the exparte deposition of Perry should be read.

The Court then adjourned till this morning, at eleven o'clock.

THE FOLEY-PALMER INJUNCTION.

Renewal of the Fight Upon a New Field of Battle-Heavy Siege Guns on Both Sides, but No Decisive Result as to the Real Merits of the Case-The Temporary Injunction Continued, but Modified-Expenses and Salaries of the Chamberlain's Office To Be Paid from the Interest on City Deposits. Fighting Foley, as he deserves assuredly to be called, having some time since placed in position

his siege guns with a view to an assault upon the

works of the City Chamberlain, opened yesterday, under the direction of General Dyott, a vigorous most fell short, and the result was very little damage. The City Chamberlain returned the fire-from his heavy Edmonds and Lawrence guns, inflicting some damage in return on the assailant's works. Dropping military metaphor and coming down to plain matter of fact, the Foley-Palmer injunction case came up for argument yesterday, before Judge Barrett, at Supreme Court, Chambers. The nature and scope of this injunction has been too thoroughly ventilated in the papers to require further extended elaboration. Its main features were an injunction-a temporary injunction, of course-enjoining the various depositories of the city and county funds from paying to the city Chamberlain any interest on such deposits, except upon checks or warrants countersigned by the Mayor and Comptroiler, and also restraining the city Chamberlain from directly or indirectly receiving or disposing of any part of this interest, and irom paying any salaries to the subordinates

behalf of the City Chamberlain.

THE COMPLAINT IN THE CASE.

Mr. Dyett opened the battle. Holding in his hands the voluminous complaint of Mr. Foley, a document of sufficient length to strike terror into the hearts of any litigant, he said that His Honor, no doubt, had a vivid recollection of the same through its presentation when the temporary injunction was granted.

Judge Burrett—I remember it well.

Mr. Dyett—I presume it is only necessary to con-

Judge Burrett.

Mr. Dyett.—I presume it is only necessa;

Mr. Dyett.—You need not read it, for it is fair
to presume that the opposing counsel have already
made themselves familiar with its contents.

Mr. Dyett.—Well then, before proceeding further,
I will see what the other side have to offer.

Mr. Lawrence said they had only two papers to
read, an affidavit of Mr. Paimer's and some correspondence between Mr. Paimer and the Comptroller. He proceeded to read the same.

APFIDAVIT OF CHAMBERLAIN PALMER.

Francis N. Palmer, being duly sworn, says that the
Francis N. Palmer, being duly sworn, says that the

troller. He proceeded to read the same.

Francis N. Palmer, being duly sworn, says that the salaries of the employes in the Chamberlain's office for the year 1872 have been paid as follows:—By the Broadway National Bank, \$11,376 the by the Tenth National Bank, \$41,595 the Tenth National Bank to the Banderston tenth Bank, \$41,595 the Tenth National Bank to the Broadway National Bank to the Banderston Bank Bank Bank to the Broadway National Bank to the Broadway

eni drew his warrant as Chamberlain, which was countersigned by the Gombroiler, for the transier from the Tenih National Bank to the Broadway National Bank of the June of the Studies of the June of the Studies of the June of the June

Court, General Term-A Case Involving a Point of Deep Interest in Connection with Trials Under the New Jury Law-

Right of Challenges in Criminal Cases. As a general thing the proceedings in the Supreme Court, General Term, are of the dullest imaginable character. They were yesterday, however, of an exceptional character, and the court room not only was crowded, but the Judges on the bench-Judges Ingraham, Brady and Larnedshowed that they too were keenly alive to the gravity of the new and important legal point about to be argued before them. This point was as to the constitutionality of the act passed by the Legis-lature last Winter entitled "An act in relation to challenges of jurors in criminal cases." The effect of the judicial determination, and particularly should it be against the constitutionality of the new Jury law, requires no explanation, except that such Jury law, requires no explanation, except that such decision would at once give a new trial to Stokes and pave the way to restored liberty for many criminal offenders now serving out sentences in the State Prison, to say nothing of possibly upsetting the entire present proceedings in the Tweed trial. The case upon which this point is now raised for the first time does not belong to the causes celebres, but as a test case possessés all the clements requisite for a judicial decision.

THE CASE IN POINT.

Some time during the night of August 11, 1872.
Wm. J. Barclay, as alleged, broke into a room of the Grand Central Hotel and stole \$500 in money and some jewelry belonging to a guest. The robbery was traced to sim, and upon this ensued his arrest, trial and conviction before Recorder Hackett, it being shown that he was no novice in crime, he having previously undergone imprisonment for a robbery,

shown that he was no novice in crime, he having previously undergone imprisonment for a robbery, the Recorder sentenced him to State Prison for eight years. Mr. William F. Howe, his counsel, excepted to one of the jurors. He challenged this man for principal cause. The following were some of the questions put by Mr. Howe to the juror and his answers.

or the questions put by Mr. Howe to the juror and his answers:—
Q. Have you at this moment formed a belief as to the guilt of the prisoner? A. Yes, sir.
Q. That impression remains with you now?

to the guilt of the prisoner? A. Yes, sir.

Q. That impression remains with you now? A. Yes, sir.

Q. If you were sworn you would render a verdict of guilty? A. Yes, sir.

The Court—He is competent.

Mr. Howe excepted to the ruling, of course, and has appealed from the verdict that ensued to the Supreme Court, General Term.

ARGUMENT OF MR. HOWE.

Several minor points in error were first argued by Mr. Howe, but the bulk of his afgument had reference to the constitutionality of the present Jury law. He insisted that the act referred to above is unconstitutional and void, and the rule of the common law, as to challenges of jurers for principal cause, is not changed by that act. The constitution, he urged, provides that "no person shall be deprived of life, liberty or property without due process of law." He then proceeded to discuss what is due process of law as provided in the constitution. He cited the discussion in the, case of Taylor vs. Roster, which says that "the meaning of the section seems to be, then, that no member of the State shall be disfranchised or deprived of any of his rights or privileges, unless the matter shall be adjudged against him, upon trial had according to the course of the common law." He next cited the decision in The Court of Appeals in the case of Wynehamer vs. The People (13 New York Rep, 446), where the Court, in speaking of this clause, say:—"If this interpretation is correct, and it is sustained as well by history as by judicial authority, the clause in question was intended to sccure to every citizen the benefit of those rules of the common law by which judicial trials are regulated, and to place them beyond the reach of legislative suoversion. They are indeed virtually incorporated into the constitution itself, and made thereby a part of the paramount law. Triale, therefore, at least such as are criminal, are to be regulated and conducted in their essential features, not by statutes, but by common law. This bear.